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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ADINA RINGLER, KRISTA ROBLES,
JAY SMITH, and JANA RABINOWITZ,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

THE J.M. SMUCKER COMPANY,

Defendant.

Case No. 2:25-cv-01138-AH-E

DISCOVERY MATTER

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION TO
COMPEL COMPLIANCE WITH
SUBPOENA *DUCES TECUM***

Date: January 23, 2026

Time: 9:30 a.m.

Ctrm: 750

Judge: Hon. Charles Eick

Action Filed: Feb. 10, 2025

Discovery Cutoff: Sep. 30, 2026

Pretrial Conference: Feb. 3, 2027

Trial Date: Feb. 23, 2027

1 I. INTRODUCTION

2 This matter is presently pending in the United States District Court for the
3 Central District of California. Plaintiffs Adina Ringler, Krista Robles, Jay Smith,
4 and Jana Rabinowitz (“Plaintiffs”) allege that Defendant The J.M. Smucker Co.’s
5 (“Defendant”) fruit spread products advertised as “natural” and “made with
6 ingredients from natural sources” are false and misleading because the Products
7 contain citric acid, an artificial ingredient that Defendant does not extract from
8 natural fruits. *See* ECF No. 42 (“FAC”).

9 In its responses to Plaintiff Ringler’s Requests for Admission, Defendant
10 stated that it lacks information regarding how the citric acid used in its Products is
11 manufactured, including whether the citric acid was extracted from natural citrus
12 juice or manufactured using *Aspergillus niger*. *See* Declaration of Lilach H. Klein,
13 filed concurrently herewith (“Klein Decl.”), at ¶ 2. Because Defendant claims it has
14 no information regarding the manufacturing process of the citric acid used in its
15 Products, Plaintiffs must obtain this information from the manufacturers that
16 supplied the citric acid used in the Products.

17 In its responses to Plaintiff Ringler’s Interrogatories, Defendant identified
18 Harris & Ford, LLC as its sole citric acid supplier. *See* Klein Decl., ¶ 3. In response
19 to a Rule 45 subpoena by Plaintiffs, Harris & Ford, LLC identified BBFY Industrial
20 USA, Inc. as a manufacturer of the citric acid used in the Products. *Id.*, ¶ 4.

21 On November 19, 2025, Plaintiffs served on non-party BBFY Industrial USA,
22 Inc. (“BBFY”) (which is located in this judicial district) a Rule 45 subpoena *duces*
23 *tecum* commanding production of documents by December 4, 2025 regarding its
24 manufacturing of citric acid. *See* Klein Decl., ¶¶ 5-6 & Exs. 1-2. BBFY neither
25 complied with the subpoena, nor served formal objections. *Id.*, ¶ 7.

26 Plaintiffs therefore respectfully request that the Court issue an order
27 compelling BBFY to comply with the subpoena by producing the documents sought.

28 //

1 **II. BACKGROUND**

2 On November 19, 2025, Plaintiffs issued a Subpoena to Produce Documents
3 to BBFY Industrial USA Inc., requiring production by December 4, 2025 via email
4 to counsel for Plaintiffs. *See* Klein Decl., ¶ 5 & Ex. 1. Plaintiffs also served a cover
5 letter via personal service, advising that objections to the subpoena were due within
6 14 days of service and reiterating the December 4, 2025 production deadline. *Id.* The
7 letter invited dialogue to reduce any burden, provided production logistics, and
8 included the Stipulated Protective Order entered in this matter. *See id.*

9 BBFY did not formally respond to the subpoena. *Id.*, ¶ 7. Thus, BBFY neither
10 produced documents nor served formal objections. *Id.* Instead, on Friday November
11 21, 2025 at 5:18 PM, Plaintiffs' counsel received an email from BBFY stating that
12 BBFY did not sell its products to, nor had direct business relationships with Plaintiffs
13 or Defendant. *See* Klein Decl., ¶ 8 & Ex. 3. On Monday, November 24, 2025 at 9:17
14 AM, Plaintiffs' counsel responded via email, explaining that BBFY supplied citric
15 acid to Harris & Ford, LLC, and that the subpoena therefore sought information
16 regarding the citric acid supplied by BBFY. *Id.* Plaintiffs' counsel further stated that
17 while the subpoena required production by December 4, 2025, Plaintiffs were
18 willing to meet and confer regarding additional time if necessary. *Id.* No further
19 correspondence or response to the subpoena was received. *See id.*, ¶ 9.

20 On December 5, 2025 and again on December 17, 2025, Plaintiffs' counsel
21 requested to meet and confer with BBFY regarding a motion to compel compliance
22 with the subpoena. *See* Klein Decl., ¶ 8 & Ex. 3. Plaintiffs' counsel has received no
23 further correspondence from BBFY or response to the subpoena. *Id.*, ¶ 9.

24 BBFY never moved to quash the subpoena, nor did it seek a protective order
25 from this Court.

26 **III. ARGUMENT**

27 The Federal Rules of Civil Procedure allow “discovery regarding any matter,
28 not privileged, which is relevant to the claim or defense of any party.” Fed. R. Civ.

1 P. 26(b)(1). The procedure for obtaining discovery from a non-party is governed by
2 Rule 45 of the Federal Rules of Civil Procedure, which authorizes the issuance of a
3 subpoena commanding the production of designated documents. *See* Fed. R. Civ. P.
4 45(a)(1)(A)(iii). “A person commanded to produce documents . . . may serve on the
5 party or attorney designated in the subpoena a written objection” to production. *Id.*
6 at 45(c)(2)(B). Any such written objection “must be served before the earlier of the
7 time specified for compliance or 14 days after the subpoena is served.” *Id.* If the
8 recipient of the subpoena claims that the information sought is privileged, it “must
9 (i) expressly make the claim; and (ii) describe the nature of the documents . . . in a
10 manner that, without revealing information itself privileged or protected, will enable
11 the parties to assess the claim.” *Id.* at 45(d)(2)(A). Finally, the “court may hold in
12 contempt a person who, having been served, fails without adequate excuse to obey
13 the subpoena.” *Id.* at 45(e).

14 Here, Plaintiffs have fully complied with the substantive requirements for
15 issuance of a subpoena under Federal Rule of Civil Procedure 45(a)(1)(A). The
16 subpoena states the court from which it was issued, identifies the title of the action
17 and its civil action number, specifies the time and place for compliance, and sets
18 forth the text of Rules 45(d) and 45(e). Klein Decl. ¶ 5, Ex. 1; *see also In Re*
19 *Subpoena 317 Labs, Inc.*, 2024 WL 4404977, at *3 (C.D. Cal. Sept. 24, 2024)
20 (granting motion to compel when these requirements are met).

21 The subpoena seeks highly relevant and narrowly tailored information,
22 namely documents identifying and describing the citric acid manufactured by
23 BBFY, which is the central ingredient challenged in this action. Plaintiffs allege that
24 Defendant markets its fruit spread products as “natural” while containing citric acid
25 derived from microbial fermentation processes, including mold-based production.
26 *See generally*, FAC. Documents reflecting the source, method of manufacture,
27 specifications, and certifications of the citric acid used in the Products therefore go
28 directly to Plaintiffs’ claims and Defendant’s anticipated defenses.

1 The discovery sought is also proportional to the needs of the case under Rule
2 26(b)(1). The requests concern a single ingredient, are limited in scope and time, and
3 seek information uniquely within the possession, custody, or control of the non-party
4 manufacturer. Plaintiffs cannot obtain this information from Defendant alone, and
5 the burden on the non-party to produce responsive documents is minimal when
6 weighed against the importance of the issues at stake and the amount in controversy.
7 Despite proper service of the subpoena and the absence of any objection or motion
8 to quash, BBFY has failed to respond in any manner. Under these circumstances, an
9 order compelling compliance with the subpoena is appropriate.

10 The subpoena required production by December 4, 2025. *See* Klein Decl., ¶ 5
11 & Ex. 1. Pursuant to Rule 45(c)(2)(B), any objection was due no later than December
12 3, 2025. BBFY did not serve any objections. *Id.*, ¶ 7. Although it claimed that it had
13 no relationship with Plaintiffs or Defendant, it never served Plaintiffs with any
14 written response to the subpoena. *Id.* BBFY is obligated to formally respond to a
15 valid Rule 45 subpoena and produce relevant documents, as Plaintiffs are entitled to
16 obtain relevant information from BBFY even if it is one step removed from
17 Defendant.

18 BBFY also failed to produce any documents. Simply put, BBFY has refused
19 to obey a valid subpoena without adequate excuse. It should be compelled to comply
20 with the subpoena.

21 BBFY has not moved to quash the subpoena or sought a protective order. The
22 subpoenaed documents are plainly relevant to Plaintiffs' claims. Accordingly, the
23 Court should order BBFY to produce documents responsive to the subpoena. *See*
24 *Owings v. Hunt & Henriques*, 2009 WL 4510142 (E.D. Cal. Nov. 23, 2009)
25 (granting motion to compel subpoena where non-party failed to respond).

26 **IV. CONCLUSION**

27 The Court should order BBFY to produce, within 7 days of its order, all
28 documents responsive to the Subpoena served on November 19, 2025 and overrule

1 any objections not timely served.

2
3 Dated: December 22, 2025

CROSNER LEGAL, P.C.

4
5 By: /s/ Lilach H. Klein

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this brief contains 1,316 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 22, 2025

CROSNER LEGAL, P.C.

By: /s/ Lilach H. Klein

LILACH H. KLEIN